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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MICHAEL J. WELLS,
Plaintiff,

v.

JOVITA CARRANZA , in her official
capacity as the Administrator of the U.S.
SMALL BUSINESS ADMINISTRATION,
DOES 1-10; ROE CORPORATIONS I
through X,
Defendants.

Case No. 3:19-cv-00407-MMD-CLB

**STIPULATION FOR EXTENSION OF
DISPOSITIVE MOTIONS DEADLINE**

(First Request)

Pursuant to Federal Rule of Civil Procedure 6(b)(1)(A), Local Rule IA 6-1, and Local Rule 26-3, Plaintiff MICHAEL J. WELLS and Defendant JOVITA CARRANZA respectfully request to extend the December 2, 2020 deadline to file dispositive motions by 60 days—until February 1, 2021. For the reasons set forth below, good cause exists to extend the deadline.

A. DISCOVERY AND OTHER MATTERS COMPLETED TO DATE

The parties held an initial discovery conference pursuant to Fed. R. Civ. P. 26(f), and submitted their initial disclosures, as required by Rule 26(a). The parties also filed their Proposed Joint Discovery Plan and Scheduling Order, which the Court approved on February 12, 2020. (ECF Nos. 11-12). On April 7, 2020, Plaintiff submitted a written settlement demand to

Defendant. Defendant and Plaintiff have each responded to reciprocal interrogatories and requests for production submitted by the other party. The parties have also made multiple voluntary disclosures of thousands of pages of documents. Finally, the parties recently attempted to settle the case on more than one occasion.

B. DISCOVERY THAT REMAINS TO BE COMPLETED

Discovery closed on November 2, 2020.

C. REASON FOR EXTENSION

The U.S. Attorney's Office has been inundated with emergency COVID-19 related matters and defense counsel is assisting with that litigation. The deadlines in those cases are usually shortened and require prompt action. As a result, defense counsel has had less time to devote to her regularly-assigned cases. Plaintiff's counsel has been busier than usual as well. The COVID-19 pandemic has considerably slowed the time it takes to litigate cases, including the time to obtain records, interview witnesses, consult with experts and the like. Lastly, defense counsel's daughter, son-in-law and granddaughter recently contracted the COVID-19 virus and defense counsel may take time off to assist them during their recovery.

D. PROPOSED REVISED DISCOVERY SCHEDULE

Dispositive motions are currently due by December 2, 2020. A 60-day extension would result in a new dispositive motions deadline of February 1, 2021. If dispositive motions are filed, the joint pre-trial order would be due 30 days after a decision on such motions. Disclosures under Fed. R. Civ. P. 26(a)(3), and any objections thereto, will be included in the Joint Pretrial Order.

For the above reasons, the parties respectfully request that the Court grant the stipulation extending the deadline for dispositive motions. *See* Fed. R. Civ. P. 6(b)(1)(A) ("When an act may or must be done within a specified time, the court may, *for good cause*, extend the time...with or without motion or notice if the court acts, or if a request is made, before the original time or its extension expires[.]") (emphasis added); LR 26-3 (stipulation for extension must be supported by "good cause"). This is the first request to extend the deadline for dispositive motions (the deadline was previously extended as part of an extension of the

discovery cut-off deadline). *See* LR IA 6-1(a) (must advise of previous extensions of the subject deadline). This stipulated request is filed in good faith and not for the purpose of undue delay.

Respectfully submitted this 24th day of November 2020.

**ERICKSON, THORPE &
SWAINSTON, LTD.**


/s/ John C. Boyden
JOHN C. BOYDEN, ESQ.
Counsel for Plaintiff

**NICHOLAS A. TRUTANICH
United States Attorney**

/s/ Holly A. Vance
HOLLY A. VANCE
Assistant United States Attorney
Attorneys for Jovita Carranza

IT IS SO ORDERED.

DATED: November 30th 2020.



CARLA BALDWIN
U.S. MAGISTRATE JUDGE